

Message Text

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PAGE 01 PARAMA 00327 040556Z POSS DUPE
ACTION CPR-01

INFO OCT-01 ARA-10 ISO-00 L-03 SS-15 SSO-00 /030 W
-----113570 040639Z /14

P 031612Z MAR 78
FM AMEMBASSY PARAMARIBO
TO SECSTATE WASHDC PRIORITY 4124

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E.O. 11652: N/A
TAGS: PDIP, NS, US, APER
SUBJ: DIPLOMATIC IMMUNITY AND TRAFFIC VIOLATIONS

1. EMBASSY WOULD APPRECIATE DEPARTMENT'S ADVICE ON HANDLING
IMMUNITIES CASE AS OUTLINED BELOW:

2. ON FEBRUARY 15, AMBASSADOR'S CHAUFFEUR (WHO IS A SURINAM
NATIONAL) WAS DRIVING AMBASSADOR IN OFFICIAL VEHICLE TO
APPOINTMENT IN DOWNTOWN AREA OF PARAMARIBO. WHILE PROCEEDING
TO THE APPOINTMENT, DRIVER WAS STOPPED FOR ALLEGED FAILURE
TO OBEY INSTRUCTIONS OF A TRAFFIC POLICEMAN AND GIVEN A
SUMMONS TO APPEAR IN COURT MARCH 10.

3. ON FEBRUARY 16, EMBASSY FORWARDED SUMMONS TO MINISTRY
FOR GENERAL AND FOREIGN AFFAIRS, POINTING OUT OUR UNDER-
STANDING THAT DRIVER'S OF AMBASSADORS WOULD NOT BE GIVEN
TRAFFIC CITATIONS WHEN THE CONCERNED AMBASSADOR WAS PRESENT
IN THE VEHICLE AND REQUESTING THAT CITATION BE WITHDRAWN.
CHIEF OF PROTOCOL SUBSEQUENTLY ADVISED EMBASSY THAT WHILE
GOS WOULD NOT REQUIRE CONCERNED CHAUFFEUR TO APPEAR IN
COURT, IT WAS EXPECTED THAT FINE (IN THIS CASE SF. 35,
EQUIVALENT TO US \$20) WOULD BE PAID (TO PROTOCOL
OFFICE WHICH WOULD SETTLE MATTER WITH MINISTRY OF JUSTICE
AND POLICE). CHARGE TOOK NOTE OF GOS POSITION BUT DID
NOT EXPRESS CONCURRENCE IN THIS PROCEDURE, WHICH CHIEF
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OF PROTOCOL WENT ON TO SAY WAS THE NORM IN DEALING WITH
OTHER EMBASSIES IN PARAMARIBO.

4. CHARGE LATER DISCUSSED GENERAL CASE WITH OTHER HEADS
OF DIPLOMATIC MISSIONS AND ASCERTAINED THAT IN FACT A
NUMBER OF MISSIONS WOULD NOT PAY THE FINE IN SIMILAR
CASES. THE DUTCH AMBASSADOR, WHO IS DEAN OF THE DIPLOMATIC

CORPS, DID SAY THAT IN THE HAGUE, HOWEVER, DIPLOMATIC IMMUNITY NO LONGER APPLIES IN THE CASE OF ORDINARY TRAFFIC OFFENSES AND ADDED THAT GOS PROTOCOL OFFICE IS AWARE OF THIS SITUATION. THUS, HE EXPLAINED, IT WOULD BE DIFFICULT FOR NETHERLANDS EMBASSY TO CLAIM EXEMPTION FROM A TRAFFIC FINE ON THE BASIS OF RECIPROCAL TREATMENT.

5. IN VIEW OF PARAGRAPH 2 OF ARTICLE 38 OF THE VIENNA CONVENTION ON DIPLOMATIC RELATIONS (WHICH SURINAM HAS NOT YET ADHERED TO), INDICATING THAT MISSION STAFF WHO ARE NATIONALS OF THE RECEIVING STATE ENJOY ONLY SUCH IMMUNITIES AND PRIVILEGES AS ARE PERMITTED BY THE RECEIVING STATE, EMBASSY IS INCLINED TO ACCEPT GOS POSITION AND INSTRUCT CONCERNED DRIVER THAT HE SHOULD PAY REQUESTED FINE OR APPEAR IN COURT IF HE WISHES TO CONTEST THE CHARGE. BEFORE PROCEEDING ON THIS COURSE, HOWEVER, WE WOULD LIKE TO HAVE BENEFIT OF ANY SUGGESTIONS DEPARTMENT MAY HAVE ON THIS TYPE OF SITUATION. DEPARTMENT'S REPLY MUST BE RECEIVED HERE BY COB WEDNESDAY, MARCH 8, IF IT IS TO BE USEFUL IN OUR DISCUSSIONS WITH GOS.
LORTON

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: DIPLOMATIC PRIVILEGES, AUTOMOBILES
Control Number: n/a
Copy: SINGLE
Draft Date: 03 mar 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978PARAMA00327
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780098-1029
Format: TEL
From: PARAMARIBO
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t197803109/aaaadoxp.tel
Line Count: 83
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 559124b9-c288-dd11-92da-001cc4696bcc
Office: ACTION CPR
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 05 may 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: N/A
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3125662
Secure: OPEN
Status: NATIVE
Subject: DIPLOMATIC IMMUNITY AND TRAFFIC VIOLATIONS
TAGS: PDIP, APER, NS, US
To: STATE
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/559124b9-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014